

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-00502-RJC-DSC

KALON GOINS,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
MECKLENBURG COUNTY)	
GOVERNMENT,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court sua sponte. For this reasons stated herein, the case is **DISMISSED without prejudice**.

Plaintiff filed this action on September 23, 2021, and summons to the Defendant was issued that same day. (Doc. Nos. 1, 2). On February 8, 2022, more than 90 days after the Complaint was filed, the Court issued an Order directing Plaintiff to file proof of service within twenty-one (21) days of the entry of the Order. The Order warned Plaintiff that failure to file proof of service in accordance with Rule 4 would cause the Court to dismiss the case.

Pursuant to Rule 4(*l*) of the Federal Rules of Civil Procedure, unless service is waived, proof of service must be made to the court. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Here, Plaintiff was required to serve Defendant within 90 days after filing the Complaint. Ninety days has passed since the Complaint was filed and the Court previously ordered Plaintiff to provide proof of service within twenty-one (21) days or the case would be dismissed. Nevertheless, Plaintiff has not provided proof of service, waiver of service,

or otherwise requested or shown good cause for additional time or relief from the Court. Accordingly, the Court will dismiss this case pursuant to Federal Rule of Civil Procedure 4(m).

IT IS THEREFORE ORDERED that this case is **DISMISSED** without prejudice.

The Clerk of Court is directed to close the case.

Signed: April 5, 2022

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
United States District Judge

